

REMARKS

This Amendment is being filed for consideration with a Request for Continued Examination in the above-identified patent application. Applicants respectfully request reconsideration and allowance of all pending claims in view of the above-amendments and the following remarks.

I. TELEPHONE INTERVIEW

Applicants would like to thank the Examiner for the courtesies extended during brief telephone exchanges on September 11, 2006 and September 15, 2006 between the Examiner and Applicants' representative, David Brush. Applicant's representative received permission to submit proposed amendments to the claims with a description of the locations in the specification where the claim amendments are supported. After reviewing the proposed amendments, the Examiner indicated that the amendments appear to be supported and suggested Applicants submit the amendments formally with an RCE and provide a further description of support for the proposed amendments. The above-amendments are consistent with those presented for informal review.

The Examiner also agreed to conduct a further telephone interview, if desired by Applicant, to discuss the Higgins reference prior to examination of the amendment.

II. SUPPORT FOR PROPOSED AMENDMENTS

Support for the amendments can be found throughout the specification. Examples include:

“Risks arising from a plurality of separate, but related projects” (page 1, lines 7-8);

“activity or project” (Page 1, lines 18);

“a project data store containing a plurality of inter-related project actions” (page 2, lines 36-37);

“risk data store” and “risk indicators” (page 3, lines 1-4);

“plurality of actions to be performed” (page 3, line 33);

“identify plurality of activities” (page 3, lines 34-35);

“assigned at least one risk indicator” (page 3, lines 36-37);

“identify plurality of activities” (page 5, lines 4-5);

“project data in the form of a series of nested actions and their statuses” (page 8, lines 3-5);

“project data . . . projects and their associated activities, ordered in a nested arrangement, with a respective cost and time assigned to each project and activity” (page 8, lines 15-21);

“all potential risks are then identified and the impact of the risks on the cost and time assigned to each activity and each project is determined along with suitable mitigating actions” (page 8, lines 29-32).

“actions that are identified” (page 13, lines 31-32);

“a row inserted into the risk event queue which is allocated a unique identification code and whatever additional information is required to identify the event to be processed.” (page 17, lines 12-16);

These sections provide examples of locations at which one or more of the amendments are supported in the specification. These examples are not intended to limit the scope any particular element or limitation in the claim.

As seen from the above and the surrounding description, the project data comprises a plurality of actions that are stored in a project data store. The actions in the project data are analyzed and, on the basis of one or more mitigating tasks identified to reduce or prevent a risk or the consequences of a risk, the system outputs one or more new actions or alterations to existing actions in the project data. The project data must therefore inherently identify the actions stored therein. Such identification is described on page 8 and at various other locations such as those cited above. Thus the term “action identifier” is fully supported by the specification.

IV. HIGGINS ET AL.

Claims 1-18 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Higgins et al., U.S. Patent No. 6,397,202.

The Office suggests that Higgins et al. disclose a risk level based on the estimated versus actual status of an activity at a given point of time, as shown in figures 3 of Higgins et al. The risk level is simply a measurement of risk associated with each system requirement, but does not identify an impact of the risk on the activity. For example, referring to column 6, lines 18-41, Higgins describes a computing metric, from which a risk level is ascertained. However, although in column 6, line 32, Higgins et al. suggest that the metric may lead to an impact being recognized, Higgins et al. do not disclose a risk indicator that identifies this impact.

Moreover, this feature would not be obvious to a person of ordinary skill of the art. This feature advantageously allows the risk management software to identify mitigating tasks, which take account of the impact of a risk of the activity. In particular, the impact of the risk on the scheduling of the activity, or on its cost, is explicitly mentioned in the specification of the present application. The skilled person, starting from the disclosure of Higgins et al. would not consider having a risk indicator that identifies the impact of a risk on the activity. More particularly, Higgins teaches metric-based-risk assessment, which determines risk on the basis of the activity status. In contrast, an embodiment of the present invention identifies risk on the basis of the activities themselves. Since the risks identified may be external to the activities themselves, the risk indicator must identify the impact of a risk on the activity. As Higgins' risks are all based on the status of the project rather than external factors, Higgins' does not require risk indicators that identify the impact of the risk on the activity.

This distinction is further reflected in dependent claim 8, which recites that the risk indicator comprises one or more of a cost allowance and a time allowance. This feature is described in the present application as an impact on the cost and time, suggesting that the cost and time will change. Higgins et al. do not teach the use of a cost allowance and a time allowance in a risk indicator, as suggested in the present Office Action. The Office Action referred to column 6, lines 19-52, stating that the risk levels are computed by comparing estimated versus actual project status of requirements. The Office Action continued to state that a risk level is elevated when the actual cost or time allowance has exceeded the estimated allowance.

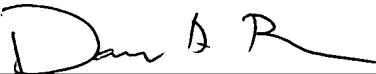
However, Higgins et al. do not disclose cost allowances or time allowances. Rather, Higgins et al. are concerned with the ratio of the actual status to the estimated status. This is not at all the same as a cost allowance or time allowance as identified in the present application, which is an additional allowance for the activity, based on the risk. For instance if a risk is identified for a specific activity, the time allowance in the risk indicator will identify an additional time required to complete the activity. This is not disclosed at all in Higgins, nor would this be obvious to a person of ordinary skill in the art.

Since Higgins et al. do not anticipate the limitations recited in Applicants' claims, Applicants respectfully request that the rejection of the claims under §102(e) based on Higgins et al. be withdrawn.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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